

Sealed
SMS

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2024 JUN 17 AM 9:38

UNITED STATES OF AMERICA,

v.

MARTIN GOTTESFELD,
Defendant.

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Nos. 16-cr-10305-NMG
23-cv-12267-NMG

NOTICE OF INTENT TO AMEND

MARTIN GOTTESFELD, Defendant, *pro se*, notifies the Court and the government of his intent to amend his Motion to Vacate and Set Aside Sentence (§ 2255), E.C.F. no. 457-8.

The Motion "may be amended or supplemented as provided in the rules of procedure applicable to civil actions." 28 U.S.C. § 2242. "A party may amend its pleading once as a matter of course no later than: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading[...]." Fed. R. Civ. P. 15(a)(1).¹

The Court required the government to file a responsive pleading. Orders, E.C.F. nos. 458, 461, 463.

The government filed its responsive pleading January 12, 2024, E.C.F. no. 465.

¹ "The court," however, "should freely give leave" for further amendment "when justice so requires." Fed. R. Civ. P. 15(a)(2).

Defendant hereby notifies the government and the Court that, in accordance with Fed. R. Civ. P. 15, he shall file an Amended Motion on or before February 1, 2024.²

Respectfully submitted,



by: Martin Gottesfeld, *pro se*,
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CERTIFICATE OF SERVICE

I, Martin Gottesfeld, certify that on this date I hand delivered a copy of the foregoing filing(s) to the United States attorney's office at Moakley U.S. courthouse,



by: Martin Gottesfeld, *pro se*,

Tuesday, January 16, 2024.

² Absent unforeseen circumstances, Defendant does not anticipate that an extension will be necessary. But Defendant does note that the government sought and received two extensions totaling 82 days, before it filed an 18-page opposition raising several fact-intensive issues. *See* motions for extensions, E.C.F. nos. 460, 462; orders, E.C.F. nos. 461, 463; Opposition, E.C.F. no. 465.